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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/411,629	10/01/1999	WATARU NARA	0557-4784-2	8585

22850 7590 07/06/2004

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

TRAN, NHAN T

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/411,629

Applicant(s)

NARA, WATARU

Examiner

Nhan T. Tran

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004 and 17 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-8 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-8 and 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/17/2004 has been entered.

Response to Arguments

2. Applicant's arguments, see paper No. 13, filed 3/17/2004, with respect to previously presented claims 5-8, 13-16 and newly added claims 17-20 have been fully considered and are persuasive. The rejection of claims 5-8, 13-16 has been withdrawn. However, upon further consideration, the Applicant's arguments are moot in view of the new ground of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 5-8, 13-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Barron et al (US 5,659,355).

Regarding claims 5, 7, 13 & 15, Barron discloses an image reading apparatus comprising: photoelectrically converting means for photoelectrically converting image information obtained from optically reading an original image, line by line, and outputting an image signal, the photoelectrically converting means having optically shielding means (black pixels b11-bml) at a portion thereof (see Fig. 1; col. 2, lines 46-66);

black shading correcting means (black level correction circuitry shown in Fig. 2) for correcting the image signal using a black reference level (output from DAC 24), the black level reference obtained from the portion of the photoelectrically converting means for each line during an operation of the reading of the original image, wherein the black reference level used by the black shading correction means for each line is obtained using black reference values (values of black pixels), each of black reference values being data of the portion of photoelectrically converting means for a respective one of a plurality of lines, wherein the black reference level is a moving average of black reference values (see col. 3, line 49 – col. 4, line 22). It is noted that the moving average is interpreted to be the average of black pixel data beginning with the first 10 pixels and ending when 160 pixels have been averaged. Thus each line is corrected by the moving-averaged black reference values.

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Regarding claims 6 & 14, Borron also discloses that the black reference level for a respective line is an average of pixels values in a main scan direction, the moving average being obtained from moving-averaging, in a sub-scan direction, the black reference values (see the analysis of claim 5 and col. 3, line 49 – col. 4, line 22).

Regarding claims 8 & 16, it is also clear that the plurality of lines comprise the current line (i.e., 4th line) and preceding lines (i.e., 1st – 3rd lines).

Regarding claims 17 – 20, also disclosed is the moving-averaging that **comprises** averaging data of a predetermined number (the first line) of immediately antecedent lines, the data of each of predetermined number of immediately antecedent lines comprising an average taken through a relevant line (average of the first line) as disclosed in col. 4, lines 15-17.

Conclusion

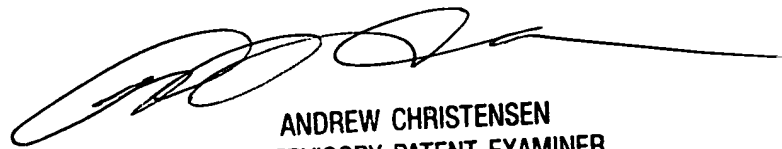
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (703) 605-4246. The examiner can normally be reached on Monday - Thursday, 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NT.

A handwritten signature in black ink, appearing to read 'Andrew Christensen', with a long horizontal line extending to the right.

ANDREW CHRISTENSEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600